This listing of claims will replace all prior versions, and listings, of claims in the application:

IN THE CLAIMS

Claim 1 (currently amended): A drug eluting brachytherapy device, comprising:

(a) an insertion member having a proximal portion, a distal portion, and at least one lumen extending therethrough;

(b) an expandable surface member mated to the distal portion of the insertion member and defining a spatial volume, wherein said spatial volume is configured to receive a radiation source to enable a three-dimensional isodose profile that is substantially similar in shape to said expandable surface member; and

(c) a treatment agent releasably mated with the expandable surface member; wherein at least a portion of the treatment agent is delivered to adjacent tissue when the brachytherapy device is positioned within a tissue cavity.

Claim 2 (original): The device of claim 1, wherein the expandable surface member is a fluid retaining expandable surface member.

Claim 3 (original): The device of claim 1, wherein the treatment agent is nonradioactive.

Claim 4 (canceled):

Claim 5 (canceled)

Claim 6 (original): The device of claim 1, wherein the treatment agent is disposed on the outer surface of the expandable surface member.

Claim 7 (original): The device of claim 1, wherein the treatment agent is coated on the outer surface of the expandable surface member.

Claim 8 (original): The device of claim 7, wherein more than one layer of treatment agent is disposed on the surface of the expandable surface member.

Claim 9 (original): The device of claim 8, wherein different treatment agents are disposed in different layers.

Claim 10 (original): The device of claim 1, wherein the treatment agent is dispersed within a sidewall of the expandable surface member.

Claim 11 (original): The device of claim 1, wherein the treatment agent is disposed on only a portion of the surface of the expandable surface member.

Claim 12 (original): The device of claim 11, wherein the treatment agent is disposed on less then about half the surface of the expandable surface member.

Claim 13 (original): The device of claim 1, wherein the expandable surface member includes a first surface adapted for positioning against a tissue surface.

Claim 14 (original): The device of claim 13, wherein the treatment agent is disposed only on the first surface.

Claim 15 (original): The device of claim 1, wherein the treatment agent is selected from the group consisting of, a chemotherapy drug, an anti-neoplastic agent, an anti-angiogenesis agent, an immunomodulator, a hormonal agent, an immunotherapeutic agent, a pain reliever, an antibiotic or combinations thereof.

Claim 16 (original): The device of claim 1, wherein the treatment agent is mixed with a binding agent.

Claim 17 (original): The device of claim 16, wherein the binding agent is a bioresorbable polymeric binding agent.

Claim 18 (original): A drug eluting tissue positioning device for positioning target tissue surrounding a resected tissue cavity so that the target tissue can receive a measured radiation dose, comprising: a catheter body member having a proximal portion and a distal portion; an expandable surface member, the expandable surface member defining a spatial volume; and a treatment agent releasably mated with the outer surface of the expandable surface member; wherein at least a portion of the treatment agent is delivered to tissue surrounding the resected tissue cavity when the device is positioned within the resected tissue cavity.

Claim 19 (original): The device of claim 18, wherein the expandable surface member is constructed of a material permeable to a treatment agent.

Claim 20 (original): The device of claim 19, wherein a second treatment agent capable of permeating through the walls of the expandable surface member is disposed within the expandable surface member.

Claim 21 (original): The device of claim 20, wherein a fluid delivery path for the delivery of a second treatment agent extends through the catheter body member into the spatial volume within the expandable surface member, and out through the permeable expandable surface member.

Claim 22 (original): The device of claim 18, wherein the expandable surface member includes permeable and nonpermeable portions and the treatment agent is mated with only the nonpermeable portions.

Claim 23 (original): The device of claim 18, wherein the treatment agent is selected from the group consisting of, a chemotherapy drug, an anti-neoplastic agent, an anti-angiogenesis agent, an immunomodulator, a hormonal agent, an immunotherapeutic agent, an antibiotic or combinations thereof.

Claim 24 (original): The device of claim 18, wherein a radiation source is disposed within the expandable surface member.

Claim 25 (original): The device of claim 18, wherein an external radiation source is disposed outside of the expandable surface member.

Claim 26 (original): A method of delivering a treatment material, comprising: providing a drug eluting brachytherapy device having a catheter body member with a proximal portion and a distal portion, an expandable surface member defining a spatial volume, and a treatment agent releasably mated with the expandable surface member; positioning the brachytherapy device within a tissue cavity; and delivering the treatment agent to tissue surrounding the tissue cavity.

Claim 27 (original): The method of claim 26, wherein the tissue cavity is a resected tissue cavity created during a lumpectomy procedure.

Claim 28 (original): The method of claim 26, wherein the treatment material is a chemotherapy drug.

Claim 29 (original): The method of claim 26, more than one treatment agent is disposed on the expandable surface member.

Claim 30 (original): The method of claim 29, wherein a first treatment agent disposed in an outer layer begins releasing before a second treatment agent disposed in an inner layer begins releasing.

Claim 31 (original): The method of claim 26, wherein the tissue cavity is a naturally occurring cavity.

Claim 32 (original): The method of claim 31, wherein the cavity is selected from the group consisting of the bladder, the esophagus, the gut, the urethra, and the ureters.

Claim 33 (original): The method of claim 26, wherein the tissue cavity is mechanically formed.